

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANGEL ITURBE-GONZALEZ,

Petitioner,

v.

FCI MENDOTA WARDEN,

Respondent.

Case No. 1:23-cv-00178-CDB (HC)

ORDER GRANTING MOTION TO STAY
PROCEEDINGS AND MOTION FOR LEAVE TO
FILE AMENDED (SUPERSEDING) MOTION TO
DISMISS AND RESPONSE TO 28 U.S.C. § 2241
PETITION

(Doc. 13)

Petitioner Angel Iturbe-Gonzalez, (“Petitioner”) is a federal prisoner proceeding pro se and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1).

Petitioner is currently in the custody of the Bureau of Prisons (“BOP”) at the United States Penitentiary located in Mendota, California, and filed the petition on February 6, 2023. *Id.* On April 13, 2023, the Court issued an order directing respondent to file a response to the petition. (Doc. 5).

On June 14, 2023, Respondent filed a motion to dismiss the petition. (Doc. 10). Thereafter, Respondent filed the instant motion to stay proceedings and motion for leave to file amended (superseding) motion to dismiss on July 31, 2023. (Doc. 13). Respondent states its June 14, 2023, motion to dismiss is based on inaccurate information supplied by the BOP. *Id.* at 2. Respondent

1 requests the opportunity to file an amended superseding motion to dismiss and/or respond to the
2 petition. *Id.*

3 Petitioner did not file a response to Respondent's motion and the time to do so has passed.
4 Accordingly, in light of Respondent's representations and good cause appearing, it is HEREBY
5 ORDERED:

- 6 1. Respondent's motion to stay proceedings and motion for leave to file amended
7 (superseding) motion to dismiss (Doc. 13) is GRANTED;
- 8 2. Respondent shall file an amended motion to dismiss or response to the petition by
9 August 30, 2023.

10 IT IS SO ORDERED.

11 Dated: **August 21, 2023**

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13 UNITED STATES MAGISTRATE JUDGE